

DEFENDANT INFORMATION RELATIVE TO A CRIMINAL ACTION - IN U.S. DISTRICT COURT

BY: ☐ COMPLAINT ☐ INFORMATION ☒ INDICTMENT
☐ SUPERSEDING

OFFENSE CHARGED

18 U.S.C. §2423(b)- Conspiracy to Travel with
 Intent to Engage in Sexual Acts with Juveniles;
 18 U.S.C. § 2251(d)- Conspiracy to Sexually
 Exploit Children;
 18 U.S.C. § 2253- Criminal Forfeiture.

☐ Petty
☐ Minor
☐ Misdemeanor
☒ Felony

PENALTY:

Counts 1-2: Max 15 yrs imprisonment; 3 yrs supervised
 release; \$250,000 fine; \$100 special assessment.
 Count 3: Mandatory minimum of 10 yrs, max 20 yrs; 3 yrs
 supervised release; \$250,000 fine; \$100 special assessment.

PROCEEDING

Name of Complainant Agency, or Person (& Title, if any)

Federal Bureau of Investigation

☐ person is awaiting trial in another Federal or State
 Court, give name of court

☐ this person/proceeding is transferred from another
 district per (circle one) FRCrP 20, 21 or 40. Show
 District

☐ this is a reprosecution of charges
 previously dismissed which were
 dismissed on motion of:

SHOW
 DOCKET NO.

☐ U.S. Att'y ☐ Defense

☐ this prosecution relates to a
 pending case involving this same
 defendant

MAGISTRATE
 CASE NO.

☐ prior proceedings or appearance(s)
 before U.S. Magistrate regarding
 this defendant were recorded under

Name and Office of Person
 Furnishing Information on
 THIS FORM

KEVIN V. RYAN

☒ U.S. Att'y ☐ Other U.S. Agency

Name of Asst. U.S. Att'y
 (if assigned)

Elise Becker, AUSA

Name of District Court, and/or Judge/Magistrate Location
 NORTHERN DISTRICT OF CALIFORNIA

DEFENDANT - U.S.

THOMAS F. WHITE

DISTRICT COURT NUMBER

DEFENDANT

IS NOT IN CUSTODY

1) ☒ Has not been arrested, pending outcome this proceeding.
 If not detained give date any prior summons
 was served on above charges

2) ☐ Is a Fugitive

3) ☐ Is on Bail or Release from (show District)

IS IN CUSTODY

4) ☐ On this charge

5) ☐ On another conviction

6) ☐ Awaiting trial on other
 charges

☐ Fed'l ☐ State

If answer to (6) is "Yes", show name of institution

Has detainer
 been filed?

☐ Yes
☐ No

If "Yes"
 give date
 filed

DATE OF
 ARREST

Month/Day/Year

Or... if Arresting Agency & Warrant were not

Month/Day/Year

DATE TRANSFERRED
 TO U.S. CUSTODY

☐ This report amends AO 257 previously submitted

ADDITIONAL INFORMATION OR COMMENTS

PROCESS:

☐ SUMMONS ☐ NO PROCESS*

☒ WARRANT

Bail Amount: No Bail

If Summons, complete following:

☐ Arraignment ☐ Initial Appearance

Defendant Address:

*Where defendant previously apprehended on complaint, no new summons
 or warrant needed, since Magistrate has scheduled arraignment

Date/Time:

Before Judge:

Comments:

H. Stahl
 3/24/2004

1 KEVIN V. RYAN (CSBN 118321)
2 United States Attorney

FILED

04 MAR 23 PM 3:34

RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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SEALED
BY COURT ORDER

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

THOMAS WHITE,

Defendant.

CR

04

0093

JSW

VIOLATIONS:

18 U.S.C. § 2423(b) - Conspiracy To Travel
With Intent To Engage In Sexual Acts With
Juveniles;
18 U.S.C. § 2251(d) - Conspiracy to
Sexually Exploit Children;
18 U.S.C. § 2253 - Criminal Forfeiture

San Francisco Venue

INDICTMENT

The Grand Jury charges that:

COUNT ONE: (18 U.S.C. § 2423(b) – Conspiracy To Travel With Intent To Engage In
Sexual Acts With Juveniles)

THE THAILAND CONSPIRACY

1. From in or about October 2000 through in or about February 2003, in the Northern
District of California and elsewhere, the defendant

THOMAS WHITE

a United States citizen, and other United States citizens known and unknown to the Grand Jury,
did knowingly and intentionally conspire to travel in foreign commerce from the United States to

INDICTMENT

1 Thailand for the purpose of engaging in sexual acts, as defined in Title 18, United States Code,
2 Section 2246(2), with a person under 18 years of age, that would be in violation of Chapter 109A
3 of Title 18 of the United States Code if the sexual acts had occurred in the special maritime and
4 territorial jurisdiction of the United States.

5 METHODS AND MEANS OF THE CONSPIRACY

6 2. It was part of the conspiracy that:

7 a. WHITE and the other co-conspirators who were United States citizens (hereafter,
8 "co-conspirators") first identified locations in Thailand where they could engage in sexual acts
9 with juveniles;

10 b. WHITE and the other co-conspirators traveled from the United States to Thailand
11 for the purpose of engaging in sexual acts with juveniles;

12 c. WHITE and the other co-conspirators paid individuals in Thailand to procure
13 juveniles with whom they could engage in sexual acts;

14 d. WHITE and the other co-conspirators thereafter committed sexual acts with the
15 juveniles in Thailand;

16 e. WHITE and the other co-conspirators provided food, shelter, gifts, and other
17 material objects to the juveniles in Thailand with whom they engaged in sexual acts; and,

18 f. WHITE and another co-conspirator took photographs of the juveniles with whom
19 they had sex in Thailand, shared those pictures with each other, and exchanged e-mail messages
20 about their sexual activities with juveniles in Thailand.

21 OVERT ACTS

22 3. As part of the conspiracy and to carry out its objects, WHITE and the other co-
23 conspirators committed or caused to be committed the following overt acts, among others, in the
24 Northern District of California and elsewhere:

25 a. In or about October 2000, WHITE and a co-conspirator traveled from San
26 Francisco, California to Thailand;

27 b. In or about April 2001, WHITE and a co-conspirator traveled to Thailand;

28 c. In or about November 2001, WHITE and a co-conspirator traveled to Thailand;

1 d. On or about November 18, 2001, a co-conspirator sent an e-mail to WHITE that
2 included, among other things, two photographs depicting juveniles in Thailand engaged in
3 sexually explicit conduct;

4 e. On or about December 6, 2001, a co-conspirator sent an e-mail to WHITE and
5 another co-conspirator discussing the price for, and arrangements being made to create, a room
6 adjacent to a children's room in Thailand where WHITE could engage in sexual activities;

7 f. On or about March 31, 2002, a co-conspirator sent an e-mail to WHITE in which
8 the co-conspirator stated that boys in Thailand will be found who would please WHITE;

9 g. On or about July 1, 2002, a co-conspirator sent an e-mail to WHITE and another
10 co-conspirator, discussing a way to smuggle children in and out of WHITE's house in Thailand
11 without being detected;

12 h. On or about August 4, 2002, a co-conspirator sent an e-mail to WHITE and
13 another co-conspirator, discussing expenses that were needed to care for boys in Thailand; and,

14 i. On or about March 3, 2003, a co-conspirator, acting at WHITE's direction, sent a
15 \$6,000 payment from WHITE's Bank of America account to a co-conspirator's Morgan Stanley
16 account.

17 All in violation of Title 18, United States Code, Section 2423(b).

18
19 COUNT TWO: (18 U.S.C. § 2423(b) – Conspiracy to Travel With Intent To Engage In
20 Sexual Acts With Juveniles)

21 THE MEXICO CONSPIRACY

22 4. From in or about January 1999 through in or about March 2001, in the Northern
23 District of California and elsewhere, the defendant

24 THOMAS WHITE

25 a United States citizen, and another United States citizen known to the Grand Jury, did
26 knowingly and intentionally conspire to travel in foreign commerce from the United States to
27 Mexico for the purpose of engaging in sexual acts, as defined in Title 18, United States Code,
28 Section 2246(2), with a person under 18 years of age, that would be in violation of Chapter 109A
of Title 18, United States Code, if the sexual acts had occurred in the special maritime and

INDICTMENT

1 territorial jurisdiction of the United States.

2 OVERT ACTS

3 5. As part of the conspiracy and to carry out its objects, WHITE and the other co-
4 conspirator committed or caused to be committed the following overt acts, among others, in the
5 Northern District of California and elsewhere:

6 a. On or about September 21, 2000, WHITE and a co-conspirator traveled from San
7 Francisco, California to Mexico;

8 b. On or about November 28, 2000, WHITE and a co-conspirator traveled from San
9 Francisco, California to Mexico;

10 c. On or about December 11, 2000, WHITE and a co-conspirator traveled from San
11 Francisco, California to Mexico; and,

12 d. On or about December 30, 2000, WHITE and a co-conspirator traveled from San
13 Francisco, California to Mexico.

14 All in violation of Title 18, United States Code, Section 2423(b).

15
16 COUNT THREE: (18 U.S.C. § 2251(d)- Conspiracy to Sexually Exploit Children)

17 THE PRODUCTION CONSPIRACY

18 6. From on or about June 16, 2000 through on or about July 3, 2000, in the Northern
19 District of California and elsewhere, the defendant

20 THOMAS WHITE

21 did knowingly and intentionally conspire with a person known to the Grand Jury to employ, use,
22 persuade, induce, entice and coerce a minor to engage in and to assist another person to engage in
23 sexually explicit conduct for the purpose of producing a visual depiction of that conduct,
24 knowing and having reason to know that the visual depiction would be transported in foreign
25 commerce, and the visual depiction was actually transported in foreign commerce.

26 OVERT ACTS

27 7. As part of the conspiracy and to carry out its objects, WHITE and the other co-
28 conspirator committed or caused to be committed the following overt acts, among others, in the

1 Northern District of California and elsewhere:

- 2 a. On or about June 7, 2000, WHITE purchased a digital video camera; and,
3 b. From or about June 16, 2000 through on or about July 11, 2000, WHITE and a co-
4 conspirator traveled from San Francisco, California to various destinations in Europe, including
5 Prague, Czech Republic.

6 All in violation of Title 18, United States Code, Section 2251(d).

7
8 FORFEITURE ALLEGATION: (18 U.S.C. § 2253 - Criminal Forfeiture)

9 8. The allegations of Counts One through Three of this Indictment are realleged and
10 incorporated herein.

11 9. As a result of a conviction of the offenses alleged in Counts One through Three
12 above, the defendant

13 THOMAS WHITE

14 shall forfeit to the United States, pursuant to Title 18, United States Code, Section 2253, all
15 visual depictions which were produced, transported, mailed, shipped and received in violation of
16 the law; all property, real and personal, constituting and traceable to gross profits and other
17 proceeds obtained from the offense; and all property, real and personal, used and intended to be
18 used to commit and to promote the commission of the offense, including but not limited to the
19 following:

- 20 a. miscellaneous computer equipment and materials identified in Attachment A;
21 b. real property and improvements located at View Talay Villas 404-16, Thappraya
22 Road, Jomtien Beach, Thailand; and,
23 c. real property and improvements located at 2292 Federal Highway 200, Barra de
24 Navidad, Puerto Vallarta, Mexico.

25 10. If, as a result of any act and omission of the defendant, any of said property

- 26 a. cannot be located upon the exercise of due diligence;
27 b. has been transferred, sold to, or deposited with a third person;
28 c. has been placed beyond the jurisdiction of the Court;

1 d. has been substantially diminished in value; or,

2 e. has been commingled with other property that cannot be subdivided without
3 difficulty;

4 then the defendant shall forfeit to the United States any and all interest that the defendant has in
5 any other property, up to value of the property described in paragraph 9 above, including but not
6 limited to the real property and improvements located at 10 Loma Vista Terrace and 8 Clayton
7 Street in San Francisco, California, pursuant to Title 18, United States Code, Section 2253(o).

8
9 DATED:

A TRUE BILL.

10 *March 23, 2004*

11 *Thuy C. McDonald*
FOR PERSON

12
13 KEVIN V. RYAN
United States Attorney

14 *Ross W. Nadel*
15 ROSS W. NADEL
16 Chief, Criminal Division

17 (Approved as to form: *Elise Becker*)
18 AUSA Elise Becker

Attachment "A"

1. Miscellaneous computer equipment seized from View Talay Villas 404-16 Thappraya Road, Jomtien Beach, Thailand, to wit:
 - A. Western Digital WD400 40 GB HD, Serial number: WMAD12330312
 - B. Western Digital WD1200 120 GB HD, Serial number: WMABC2306262
2. A computer system and hard drive(s) seized from and/or located at 2292 Federal Highway 200, Barra de Navidad, Puerto Vallarta, Mexico.
3. A JVC Cybercam GR-DVM50 digital video camera, serial number 14410841, docking station and battery pack seized from and/or located at 2292 Federal Highway 200 at Barra de Navidad, Puerto Vallarta, Mexico